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**FILED**  
JUL 20 2009  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY DEPUTY CLERK

7  
8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9  
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, )  
12 Plaintiff, ) 2:97-cr-00512 EJG  
13 v. )  
14 JOSE T. YULO, ) MOTION FOR LEAVE TO DISMISS  
15 Defendant. ) PURSUANT TO RULE 48(a);  
 ) ORDER  
----- )

16 The United States of America hereby moves pursuant to Rule  
17 48(a) of the Federal Rules of Criminal Procedure for leave to  
18 dismiss the Indictment. In support thereof, the United States  
19 represents as follows:

20 This case was indicted on October 9, 1997 followed by a  
21 superseding indictment on April 10, 1998. The superseding  
22 indictment charged a single defendant, Jose T. Yulo, with mail fraud  
23 in connection with a scheme to defraud insurance companies, and  
24 aiding the preparation of several false tax returns. The criminal  
25 conduct alleged in the superseding indictment occurred between  
26 January 1991 and April 1995. The loss to the insurance companies,  
27 according to the superseding indictment, was approximately \$120,000.  
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1 Although formerly a resident of San Diego, Yulo appears to have fled  
2 prior to indictment. He is believed to have gone to the  
3 Philippines, but has not been located. Defendant Yulo has never  
4 appeared in this district, and it is not likely that he will return  
5 or be apprehended in the foreseeable future.

6 Over ten years have passed since the defendant fled and was  
7 indicted in this case. Most of the criminal conduct at issue  
8 occurred at least 16 years ago. I have discussed this matter with  
9 the investigating agencies, the FBI and IRS-CI, and those agencies  
10 agree that the evidence is stale and that it currently appears  
11 unlikely that the defendant will be apprehended and brought to this  
12 district in the near future. Accordingly, the Government seeks  
13 leave to dismiss the indictment and superseding indictment in this  
14 case.

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16 Date: July 15, 2009

Respectfully Submitted,

17  
18 LAWRENCE G. BROWN  
Acting United States Attorney

19 /S/ Benjamin Wagner

20 By: BENJAMIN B. WAGNER  
21 Assistant U.S. Attorney

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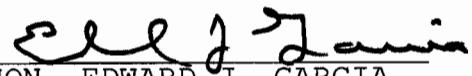
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12 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, )  
18 Plaintiff, ) 2:97-Cr-00512 EJG  
19 v. )  
20 JOSE T. YULO, ) ORDER DISMISSING INDICTMENT  
21 Defendant. )  
22 \_\_\_\_\_)

23  
24  
25 The United States has moved pursuant to Rule 48(a) of the  
26 Federal Rules of Criminal Procedure for leave to dismiss the  
27 Indictment and Superseding Indictment. Good cause having been  
28 shown, leave to dismiss the Indictment and Superseding Indictment is  
**GRANTED**, and the Indictment and Superseding Indictment are hereby  
**DISMISSED**.

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35 DATE: 7/16/09

  
36 HON. EDWARD J. GARCIA  
37 U.S. District Court Judge